

Article 7. House Moving

4-701 PERMIT REQUIRED. No person, firm or corporation shall move, haul or transport any house, building, derrick, or other structure when loaded for movement over the surface of the highway, road, street or alley, upon, across, or over any public highway, road, street or alley in the City of Gardner, Kansas, upon which public highway, road, street or alley, any telephone, telegraph, electric light, or electric power lines or other aerial facilities are in place, without first obtaining a permit therefor, as hereinafter provided. (K.S.A. 17-1914) (Ord. 1239, Sec. 2)

4-702 APPLICATION FOR PERMIT. All applications for permits required under Section 4-701 shall be made to the City of Gardner, Kansas. Such application shall state whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables, or other aerial equipment of any public or municipally owned utility and the time and location that the applicant's moving operation shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. The City of Gardner shall issue a permit upon such application in payment of a Forty Dollar (\$40.00) fee. (K.S.A. 17-1915) (Ord. 1909, Sec. 5)

4-703 DUTY TO NOTIFY. The applicant shall, upon the issuance of such permit, if the application states that it will be necessary to cut and move, raise or in any way interfere with any wires, cables, or other aerial equipment of any public or municipally owned utilities give not less than fifteen (15) days written notice to the public or municipally owned utility owning or operating such wires, cables or other aerial facilities, or to their agents, of the intent to move a structure, giving the time and location of the applicant's moving operations. Should the moving operation be delayed, then the applicant shall again give the public or municipally owned utility not less than twenty-four (24) hours advance notice of the actual operation. (K.S.A. 17-1916) (Ord. 1239, Sec. 2)

4-704 DUTY OF OWNER OF POLES OR WIRES. It shall be the duty of any public or municipally owned utility owning or operating such wires, cables or other aerial equipment after service of notice, as required in 4-703 to furnish competent workmen or linemen to remove, raise, or cut such wires, cables or other aerial equipment as will be necessary to facilitate applicant's moving operations. (K.S.A. 17-1917) (Ord. 1239, Sec. 2)

4-705 EXPENSE. All necessary expense which is incurred by or on behalf of any public or municipally owned utility for cutting, raising, removing, or otherwise facilitating the moving operation of the applicant shall be paid by the applicant to each public or municipally owned utility concerned. The expense for cutting, raising, removing or otherwise facilitating the moving operations of the applicant of any municipally owned utility shall be calculated on the basis of the costs of labor, equipment and materials as established by the City of Gardner, Kansas, and in effect at the time of the moving operation. (K.S.A. 17-1917) (Ord. 1239, Sec. 2)

4-706 DUTY OF THE DIRECTOR OF PUBLIC WORKS. It shall be the duty of the Director of Public Works, from time to time, to inspect the progress of moving any house or other structure and see that said house or other structure is being moved in accordance with the provisions of this Article. (Ord 1239, Sec. 2)

4-707 DUTY OF MOVER. It shall be the duty of any person, firm, or corporation moving any of the structures mentioned in Section 4-701 of this Article, upon, across or over any

public highway, road, street or alley in the City of Gardner, Kansas, to display proper warning lights thereon, in such a manner as to show the extreme height and width thereof from thirty (30) minutes after sunset to thirty (30) minutes before sunrise. (Ord. 1239, Sec. 2)

4-708 APPLICANT TO FURNISH BOND. The City of Gardner, Kansas or any public utility may require the applicant to furnish the City or the public utility an appropriate bond or other surety agreement insuring the payment of all expenses incurred as a result of the applicant's moving operation. (K.S.A. 17-1917) (Ord. 1239, Sec. 2)

4-709 PENALTY. Any person violating the provisions of this Article shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in county jail for not more than sixty (60) days or by both such fine and imprisonment. (K.S.A. 17-1920) (Ord. 1239, Sec. 2)